

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARTHUR DEWAYNE TOWNSEND, JR.,

Plaintiff,

v.

MELVIN ENCINA, et al.,

Defendants.

No. 2:20-cv-0342 JAM CKD P

ORDER

Plaintiff, a state prisoner proceeding in forma pauperis, sought relief pursuant to 42 U.S.C. § 1983. Judgment was entered in this action on September 8, 2021. On September 27, 2021, plaintiff filed a notice of appeal.

On November 10, 2021, the Ninth Circuit referred this matter back to this court for a determination as to whether plaintiff's in forma pauperis status should continue on appeal or whether the appeal is frivolous or taken in bad faith. See 28 U.S.C. § 1915(a)(3); see also Hooker v. American Airlines, 302 F.3d 1091, 1092 (9th Cir. 2002) (revocation of forma pauperis status is appropriate where district court finds the appeal to be frivolous).

After review of the record herein, and in particular the magistrate judge's June 15, 2021 findings and recommendations, the court finds plaintiff's appeal to be frivolous.

////

////

Accordingly, IT IS HEREBY ORDERED that plaintiff's in forma pauperis status is
REVOKED for purposes of appeal.

Dated: November 22, 2021

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE

town0342.24